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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Wan-Pao Chou

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6282

7590

10/01/2004

DENNISON, SCHULTZ & DOUGHERTY

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EXAMINER

HAN, JASON

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/700,492	CHOU, WAN-PAO	
	Examiner	Art Unit	
	Jason M Han	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - a. Page 1, Line 9: grammatical error – change “in” to “on”;
 - b. Page 1, Line 13: change to read as “difficult in mounting or disassembling”.

Appropriate correction is required.

Claim Objections

2. Claim 1 is objected to because of the following informalities: “side walls” lack antecedent basis. Appropriate correction is required.
3. Claim 1 is further objected to because of the following informalities: “two blades at a forward side, two slits at a rear side” lacks antecedent basis and renders the claim vague and indefinite. It is unclear which side is the front and rear on the positioning member. Please further define the position of the blades and slit with respect to the positioning member. Appropriate correction is required.

The following rejections have been based upon a broad interpretation of the claims [MPEP 2111]. The applicant should be aware that the limitations failed to provide a specific rendering by the examiner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabrylewicz (U.S. Patent 3840842) in view of Kemmerer et al. (U.S. Patent 3801951).

With regards to Claim 1, Gabrylewicz teaches a modular lighting system, especially for signs and displays [Column 1, Lines 7-16], including:

- a. A U-shaped elongated seat [Figure 15: (54); Column 3, Lines 60-65] with a lengthwise slot [Figure 15: (62); Lines 1-7] and two lengthwise grooves at both side walls [Figures 15 & 19: (64)];
- b. A substantially parallelepiped positioning member [Figure 19: (70 & 80)] including two lengthwise side flanges [Figure 19: (72 & 82)] fitted in the grooves for coupling the position member and the seat together [Column 4, Lines 13-23 & 41-62], two blades at one end of the positioning member [Figure 10: 50; Figure 19: (76, 88); Column 5: Lines 35-38], two slits at the other end of the positioning member [Figures 10 & 19: (48a, 48b)], and a lamp threaded coupled thereon [Figures 10, 14, 19: (52)];
- c. And wherein the blades and the slits of one unit are electrically coupled together, the lamp is electrically coupled to both the blades and the slits, the blades of one unit are adapted to insert into the slits of a second adjacent unit,

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and the slits of one unit are adapted to receive the blades of a third adjacent unit [see Abstract].

Gabryelewicz does not specifically teach the seat of the modular lighting system being threadedly secured to a billboard.

Kemmerer discloses a track lighting system having a seat [Figure 4: (22)] being threadedly secured [Figure 4: (14)] to a wall/ceiling.

It would have been obvious to modify the seat of Gabryelewicz to incorporate the threadedly securing means of Kemmerer in order to ensure a strong attachment to a wall or ceiling. Though not explicitly stated by Gabryelewicz, it should be obvious that it is attached by some means, and it is commonly known that a threaded means be used as a fastener.

6. With regards to Claim 2, Gabryelewicz teaches two units being able to be formed in an L-shape [Figures 1, 21, 22; Column 1, Lines 28-44].

7. With regards to Claim 3, Gabryelewicz teaches two units being able to be formed as a bent member unit with one unit being disposed about 45 degrees with respect to the other unit [Figures 21, 22].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references have been cited to further show the state of the art pertinent to the current application:

U.S. Patent 4096379 to Taylor;

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U.S. Patent 4471415 to Larson et al.;

U.S. Patent 4639841 to Salestrom et al.;

U.S. Patent 4768964 to Zucchini;

U.S. Patent 4999755 to Lin;

U.S. Patent 5113329 to Lin;

U.S. Patent 5559681 to Duarte;

U.S. Patent 5607227 to Yasumoto et al.;

U.S. Patent 6059582 to Tsai;

U.S. Patent 6210189 to Gantt;

U.S. Patent 6435697 to Simmons et al.;

U.S. Patent 6659623 to Friend;

U.S. Patent D486602 to Hines et al.;

U.S. Patent 6739735 to Talamo et al.;

U.S. Patent 3783543 to Hengren;

U.S. Patent 4949487 to Kibarer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH

A handwritten signature in black ink, appearing to read 'JAW', is positioned above the printed name and title.

**JOHN ANTHONY WARD
PRIMARY EXAMINER**